



What's Your Honest Assessment?

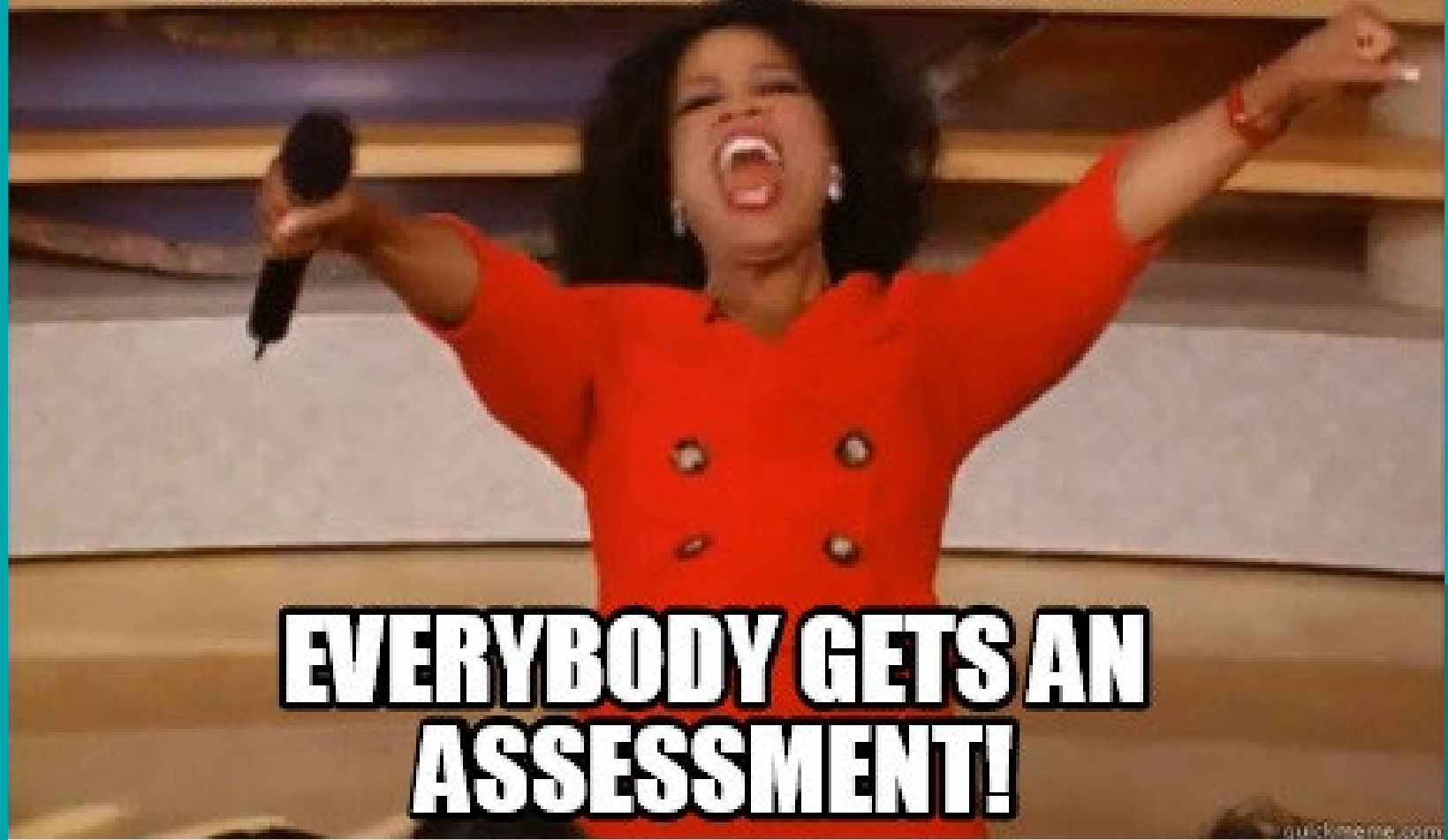


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**YOU GET AN ASSESSMENT AND
YOU GET AN ASSESSMENT...**



**EVERYBODY GETS AN
ASSESSMENT!**

Substance Abuse Assessments

2. This agency recommends that the defendant:

	will NOT benefit from substance abuse service
X	will benefit from the services specified below

- ALCOHOL HIGHWAY SAFETY EDUCATION (AHSE)
- MADD VICTIM IMPACT PANEL
- OUTPATIENT COUNSELING
- RELAPSE PREVENTION/EARLY INTERVENTION TREATMENT
- PEER RECOVERY SUPPORT (AA)
- CASE MANAGEMENT & Recovery Supports
- PRIMARY CARE DOCTOR AND CORRESPONDING PHYSICAL
- DRUG AND ALCOHOL TESTING

- Provide recommendations on if a person needs treatment
- MCL 769.5—how does this impact SAAs?

Psychosexual Assessments



- Can be used in Juvenile and Adult cases
- Support a deviation request or a sentencing agreement
- Know your court and your judge
- We often use them when there is a lot of evidence against our client, and there is no issue with consent or identity

This writer utilized two different static-variable risk assessments to assist in projecting the risk [REDACTED] will pose to the community for a sexual offense should he not receive any specialized therapy.

On the **Rosenberg Historical Risk Assessment**, [REDACTED] scored as a “3”, or is projected as a low-risk to reoffend sexually in the future. This assessment is historical in design and demonstrates a projected risk of re-offense if none of the variables are altered and if the client does not obtain therapeutic services. This tool breaks down the level of risk into six primary domains: chronicity of the problem, severity of denial, abuse history, antisocial behaviors, family support, and empathy. When examined more closely, [REDACTED] received one point under the chronicity domain (low), one point under the denial domain (low), zero points under the abuse history domain (low), zero points under the antisocial domain (low), zero points under the family domain (low); and one point under the empathy domain (low). The Rosenberg Historical is a clinical assessment used in conjunction with the Juvenile Sex Offender Assessment Protocol-II (JSOAP-II).

This writer also administered the **Juvenile Sexual Offender Assessment Protocol -II (JSOAP-II)**. The JSOAP-II is an assessment tool that assists in determining the risk a juvenile may pose to commit a future sexual offense. It is a structured set of clinical questions that covers the offense or alleged offense activity; prior sexual offenses; prior sexual problems; delinquency; substance use; psychopathy; remorse; and so forth. There are two components to the JSOAP-II, the Static section and Dynamic section. This writer could only score the Static section due to the fact that [REDACTED] has not completed his specialized therapy. On the JSOAP-II, [REDACTED] scored 2 points of a possible 32 on risk criteria (static risk assessment). He scored one point on the Sexual Drive/Preoccupation domain and one point on the Impulsive, Antisocial Behavior Factor domain. The Intervention and Community Adjustment Scales (dynamic factors) could not be assessed at the present time. Scoring the JSOAP-II [REDACTED] appears to also be projected as low-risk for a sexual re-offense in the future as well as a low-risk for juvenile delinquency.

Based on this writer’s twenty-five-year career dealing with male sexual deviance, sexual abusers, and victims, it is this writer’s clinical opinion that [REDACTED] is at a low-risk for relapsing and engaging in sexually abusive acts in the future. His risk will be reduced further upon successful completion of specialized therapy. He has no other allegations of sexual misconduct. There is no criminality in his family system that is known. There is no known history of incest in the family system. [REDACTED] has no substance use or abuse history. He displays no school behavioral problems or delinquency issues. Finally, he readily admits to his inappropriate sexual behaviors.

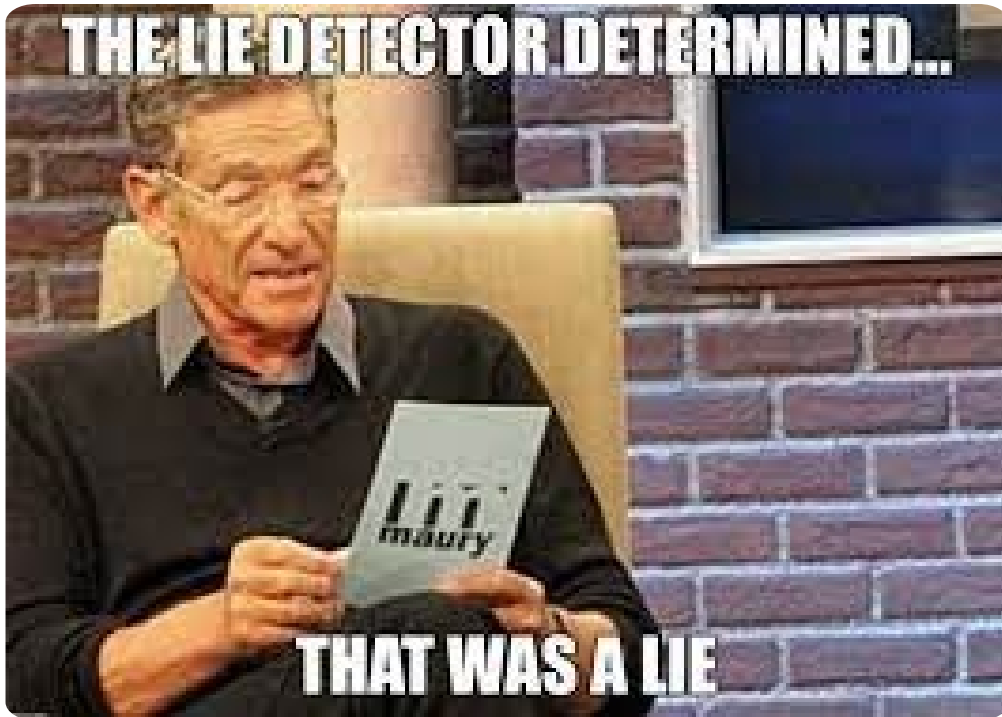
[REDACTED] should continue in specialized therapy until all of his goals and objectives have been successfully achieved. His mother and father should continue to participate in his therapy as they have been doing since April.

Competency vs. Criminal Responsibility

- Make sure you delineate the two
- You can use criminal responsibility as a negotiating chip
- Is a competency assessment worth it?



Polygraph Examinations



- Pre-charge phase
- Title IX Complaints
- Sentencing
 - Can provide more than just a bare denial of the premise scoring OVs. See *United States v Lang*, 333 F3d 678, 681 (6th Cir 2003).



Polygraph Examinations

- Think about picking a polygraph examiner based off where he worked previously for each jurisdiction.
- No pass...NO REPORT
- Benefit of multiple tests

Based on careful review of the scoring polygrams provided, it is my professional opinion that there are no consistent significant physiological reactions to the above questions. This finding is consistent with no deception regarding the issue as presented.

Dear Mrs. [REDACTED],

I am writing because there are some unresolved issues related to the case involving [REDACTED]. Please contact me by June 17, 2015, to discuss these matters to possibly avoid having a motion hearing to resolve these outstanding issues.

1. Mr. [REDACTED] requested a polygraph test. He took one, and passed, with your contracted polygraph examiner on June 3, 2015. Based on information and belief, it is your office's policy to dismiss the relevant charges under such circumstances. Mr. [REDACTED] would like to know whether you will adhere to that policy. To date, an answer has not been provided to me. Please update me on the status of dismissal of the charges relating to the specific issues addressed during the polygraph.
2. The Michigan Supreme Court has ordered that charges be dismissed under similar circumstances, holding, by analogy to plea bargain cases, that a prosecutor's pledge of public faith, even if given without formal consideration in return, must be honored. *People v Reagan*, 395 Mich 306, 317; 235 NW2d 581 (1975). The prosecutor and defense counsel agreed that charges against the defendant would be dismissed if he passed a polygraph examination administered by the State Police. *Id.* at 308. When the defendant passed, the charges were dismissed. *Id.* However, the prosecution later reinstated after it determined that the polygraph examination may have been unreliable. *Id.* at 309.

Pointers for any kind of assessment

- Always remember assessments are fact specific, jurisdiction specific, and judge specific.
- It is critical to speak with the person who is conducting the assessment
 - Depending on the use, you want it to come from a certain angle.
 - Provide the person with all the information you deem relevant. Police reports are often a summary and do not provide all of the background that they should know.
- If you have some kind of evidence that would justify a conclusion that they might not otherwise have come to on their own, be sure to provide that and explain it.

Pointers for any kind of assessment

- If you are able to, talk to the person before they write the report.
- You do not want a report to be written full of things you did not know about.
- Plan ahead!
 - If the assessment is with someone who provides treatment, you can tell the court that a good relationship has been established and argue for them to continue private treatment.

THIS ASSESSMENT IS EASY!

**YOU SIT ON A THRONE OF
LIES**

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QUESTIONS?